

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jonathan Lee Riches,

Case No. 3:09 CV 2056

Appellant,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

General Motors Corp.,

Appellee.

INTRODUCTION

Appellant *pro se* Jonathan Lee Riches appeals the decision of the United States Bankruptcy Court for the Northern District of Ohio denying his Motion to Intervene, entered on July 30, 2009, in an adversary proceeding.

ANALYSIS

While *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court may dismiss an action *sua sponte* if the complaint is so “implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion” as to deprive the court of jurisdiction. *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (*citing Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974)). For the following reasons, the Court finds dismissal is appropriate.

The bankruptcy court denied intervention because the adversary proceeding was stayed by the Chapter 11 bankruptcy filing of Defendant General Motors Corporation (Case No. 09-50026), in the United States Bankruptcy Court for the Southern District of New York. It is being held in abeyance pending further order of the court and pending either an order granting relief from the automatic stay or termination of the stay in the General Motors bankruptcy case. The bankruptcy court had no choice but to deny intervention. The denial was without prejudice which means that Appellant may refile his Motion when the bankruptcy court vacates the stay in the adversary proceeding as set forth in its Order.

CONCLUSION

Accordingly, this action is dismissed. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

September 29, 2009